UNITED NATIONS **TD**

United Nations Conference on Trade and Development

Distr.
GENERAL

TD/COCOA.9/1
3 October 2000

Original: ENGLISH

UNITED NATIONS COCOA CONFERENCE, 2000
Geneva, 13-24 November 2000
Item 2 of the provisional agenda

PROVISIONAL AGENDA AND ANNOTATIONS

I. PROVISIONAL AGENDA

1. Opening of the Conference
2. Adoption of the agenda
3. Adoption of the rules of procedure
4. Election of officers
5. Credentials of representatives:
   (a) Appointment of a Credentials Committee
   (b) Report of the Credentials Committee
6. Establishment of the Negotiating Committee and other committees as required
7. Preparation of a successor agreement to the International Cocoa Agreement, 1993
8. Consideration and adoption of final resolutions
9. Other business

GE.00-52443

II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1 - Opening of the Conference

The Conference will be opened on the morning of 13 November 2000 by the Secretary-General of UNCTAD or his representative.

Item 3 - Adoption of the rules of procedure

The provisional rules of procedure, issued by the UNCTAD secretariat, are contained in document TD/COCOA.9/2.

Item 4 - Election of officers

Rule 6 of the provisional rules of procedure provides that the Conference shall elect a President and one Vice-President. The Conference may elect the President from among the representatives, or it may elect as its President a person other than a representative of a participant. It is proposed to elect one Vice-President.

Item 5 - Credentials of representatives

Rule 3 of the provisional rules of procedure provides that the credentials of representatives of States participating in the Conference and the names of alternate representatives and advisers shall be submitted to the Secretary-General of UNCTAD, if possible, not later than 24 hours after the opening of the Conference.

Rule 4 provides that a Credentials Committee, consisting of five members appointed by the Conference on the proposal of the President, shall examine the credentials of representatives. It is proposed in this connection that the Conference should establish a Credentials Committee.

Item 6 - Establishment of the Negotiating Committee and other committees as required

Rule 47 provides that the Conference may establish such committees, sub-committees and working parties as may be necessary for the work of the Conference. It is proposed that the Conference establish a Negotiating Committee to consider the articles of the Agreement, and a legal drafting committee

Item 7 - Preparation of a successor agreement to the International Cocoa Agreement, 1993

At its sixty-second regular session held in London from 4 to 8 September 2000, the International Cocoa Council decided to request the Secretary-General of UNCTAD to convene a United Nations Cocoa Conference to negotiate a new cocoa agreement. Moreover, the Council requested the Executive Director of the International Cocoa Organization to forward to the Secretary-General of UNCTAD, the Draft Provisions for a Sixth International Cocoa Agreement. This document will be circulated under the symbol TD/COCOA.9/R.1.

Item 8 - Consideration and adoption of final resolutions

The Conference may wish to adopt a final resolution forwarding the successor Agreement for deposit to the Secretary-General of the United Nations.

UNITED
NATIONS

TD

United Nations
Conference
on Trade and
Development

Distr.
GENERAL

TD/COCOA.9/2
3 October 2000

Original: ENGLISH

UNITED NATIONS COCOA CONFERENCE, 2000
Geneva, 13-24 November 2000
Item 3 of the provisional agenda

ADOPTION OF THE RULES OF PROCEDURE

Provisional rules of procedure

Prepared by the UNCTAD secretariat

GE. *200005245 0* LS
ENG

CHAPTER I – REPRESENTATION AND CREDENTIALS

Rule 1

Participation in the Conference shall be open to:

(a) All members of UNCTAD;

(b) Any intergovernmental organization having responsibilities in respect of the negotiation, conclusion and application of international agreements, in particular commodity agreements.

Rule 2

Each delegation participating in the Conference shall consist of a representative and such alternate representatives and advisers as may be required.

Rule 3

The credentials of representatives of States participating in the Conference and the names of alternate representatives and advisers shall be submitted to the Secretary-General of UNCTAD, if possible not later than 24 hours after the opening of the Conference.

Rule 4

A Credentials Committee shall be appointed at the beginning of the Conference. It shall consist of five members who shall be appointed by the Conference on the proposal of the President. It shall examine the credentials of representatives and report to the Conference without delay.

Rule 5

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

CHAPTER II – OFFICERS

Rule 6

The Conference shall elect a President and one Vice-President. The Conference may elect the President from among the representatives or it may elect as its President a person other than a representative of a participant.

Rule 7

The President shall preside at the meetings of the Conference.

Rule 8

If the President is unable to be present at a meeting of the Conference or any part thereof, he shall designate the Vice-President to act in his place.

Rule 9

A Vice-President acting as President shall have the same powers and duties as the President.

Rule 10

If the President resigns or is incapacitated, the Conference shall elect a new President for the remainder of the period of the Conference. If a Vice-President is elected President under this rule, the Conference shall elect a new Vice-President.

CHAPTER III – SECRETARIAT

Rule 11

1. The Secretary-General of UNCTAD shall be responsible for all arrangements necessary for the carrying out of the work of the Conference. For that purpose he shall appoint the Director-in-Charge, the Secretary of the Conference and such other staff as may be required by the Conference, its committees and other subsidiary bodies. The Secretary of the Conference shall act in that capacity at all meetings and shall be responsible for making all arrangements connected with such meetings.

2. The secretariat shall receive, translate, reproduce and distribute documents, reports and resolutions of the Conference; interpret speeches made at the meetings, have the custody and preservation of the documents in the archives of the United Nations; and generally, perform all other work which the Conference may require.

Rule 12

The Secretary-General of UNCTAD or any member of the staff designated by him for that purpose may, subject to rule 14, make either oral or written statements concerning any question under consideration.

CHAPTER IV – CONDUCT OF BUSINESS

Rule 13

The President may declare a meeting open and permit the debate to proceed when representatives of at least one third of the participants in the Conference are present. The presence of representatives of a majority of such participants shall be required for any decision to be taken.

Rule 14

In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of each plenary meeting of the Conference, shall direct the discussions at such meetings, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. He or she shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may, in the course of the discussion, propose to the Conference the limitation of time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers or the closure of the debate. He or she may also propose the suspension or the adjournment of the meeting or the adjournment of the debate on the question under discussion.

Rule 15

The President, in the exercise of his or her function, remains under the authority of the Conference.

Rule 16

The President, or a Vice-President acting as President, shall not vote and, except in the case of a President who is not a representative of a participant, shall designate another member of his or her delegation to vote in his or her place.

Rule 17

Subject to rules 18 and 19, the President shall call upon speakers in the order in which they signify their desire to speak. No person may address the Conference without having previously obtained the permission of the President. The President may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

Rule18

The Chairperson of a committee, subcommittee or working party may be accorded precedence for the purpose of explaining the conclusion arrived at by his or her committee, subcommittee or working party.

Rule 19

During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative may appeal against any ruling of the President. The appeal shall be immediately put to the vote and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

Rule 20

The Conference may limit the time to be allowed to each speaker and the number of times each representative may speak on any question. When the debate is limited and a representative has spoken the allotted time, the President shall call him or her to order without delay.

Rule 21

During the course of a debate, the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. The President may, however, accord the right of reply to any representative if a speech delivered after the list has been declared closed makes this desirable.

Rule 22

During the discussion of any matter, a representative may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Rule 23

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified a wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to two speakers opposing the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Rule 24

During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The President may limit the time to be allowed to the speaker moving the suspension or adjournment of the meeting.

Rule 25

Subject to rule 19, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

Rule 26

Proposals and amendments thereto shall normally be submitted in writing to the Secretary of the Conference, who shall circulate copies thereof to all delegations in the languages of the Conference. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Conference unless copies of it have been circulated to all delegations not later than the day preceding the meeting. Subject to the consent of the Conference, the President may, however, permit the discussion and consideration of proposals or amendments, even though these proposals or amendments have not been circulated or have been circulated only on the same day.

Rule 27

Subject to rule 25, any motion calling for a decision as to the competence of the Conference to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

Rule 28

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any representative.

Rule 29

Before the Conference takes a decision or makes a recommendation the implementation of which might have programme budget implications for the United Nations, it shall receive and consider a report from the Secretary-General of UNCTAD on such implications.

Rule 30

When a proposal has been adopted or rejected, it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on the motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

CHAPTER V – VOTING

Rule 31

The delegation of each member of UNCTAD participating in the Conference shall have one vote and, subject to rule 32, the decisions of the Conference shall be made by a majority of the representatives present and voting.

Rule 32

With the exception of decisions on the election of officers, the appointment of members of subsidiary bodies and questions of procedure, the President shall, in the ordinary course of business, ascertain the sense of the meeting in lieu of a formal vote. If the President is unable to ascertain the sense of the meeting on a particular issue, the issue shall be deferred for consideration at a subsequent meeting or referred to a committee, subcommittee or working party, unless a formal vote is requested by two delegations representing consumers and two delegations representing producers.

Rule 33

For the purpose of these rules, the phrase "representatives present and voting" means representatives present and casting an affirmative or negative vote. Representatives who abstain from voting shall be considered as not voting.

Rule 34

The Conference shall normally vote by show of hands, but any representative may request a roll-call vote, which shall be taken unless on a motion of a representative the Conference decides that the voting should be by secret ballot. The roll-call vote shall be taken in the French alphabetical order of the names of the delegations at the Conference, beginning with the delegation whose name is drawn by lot by the President.

Rule 35

After the President has announced the beginning of the vote, no representative shall interrupt the vote except on a point of order in connection with the actual conduct of voting. The President may permit representatives to explain their votes either before or after the voting. The President may limit the time to be allowed for such explanation.

Rule 36

A representative may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Rule 37

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 38

If two or more proposals relate to the same question, the Conference shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 39

1. All elections shall be held by secret ballot unless, in the absence of any objection, the Conference decides to proceed without taking a ballot on an agreed candidate or slate.

2. When candidates are to be nominated, each nomination shall be made by only one representative, after which the Conference shall immediately proceed to the election.

Rule 40

1. When one or more elective places are to be filled at one time under the same conditions, each delegation entitled to vote may cast a vote for as many candidates as there are places to be filled, and those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes shall be elected.

2. If the number of candidates so elected is less than the number of places to be filled, additional ballots shall be held to fill the remaining places. From such ballots the candidates obtaining the least number of votes in the previous ballot may be eliminated on the proposal of the President.

Rule 41

If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

CHAPTER VI – LANGUAGES

Rule 42

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Conference.

Rule 43

Speeches made in any of the languages of the Conference shall be interpreted into the other languages of the Conference.

Rule 44

Any representative may make a speech in a language other than a language of the Conference if he or she provides for interpretation into one of the languages of the Conference.

CHAPTER VII – PUBLIC AND PRIVATE MEETINGS

Rule 45

The plenary meetings of the Conference shall be held in public unless the Conference decides otherwise.

Rule 46

At the close of any private meeting, a communiqué may be issued to the press through the Secretary-General of UNCTAD.

CHAPTER VIII – COMMITTEES, SUBCOMMITTEES AND WORKING PARTIES

Rule 47

In addition to the Credentials Committee, such committees, subcommittees and working parties as may be necessary for the work of the Conference may be established. The composition of each committee or subcommittee shall provide adequate representation for importers and exporters and may, in cases where it appears that such a course would facilitate the business of the Conference, provide for equal representation.

Rule 48

Each committee and subcommittee shall elect its own officers.

Rule 49

The Chairperson of a committee, or a Vice-Chairperson acting as Chairperson, shall participate in the proceedings of the committee in this capacity and shall not vote, but shall designate a member of his or her delegation to vote in his place.

Rule 50

A majority of the representatives of delegations on a committee or subcommittee shall constitute a quorum.

Rule 51

The provisions of the rules contained in chapters IV–VI shall be applicable to the proceedings of committees and subcommittees.

CHAPTER IX – OBSERVERS

Rule 52

Representatives of Governments designated as observers to the Conference and representatives of specialized agencies or representatives of intergovernmental or non-governmental organizations which have been invited to the Conference may participate as observers, without the right to vote, in the deliberations of the Conference on questions of particular concern to them, and, unless the Conference otherwise decides, in any committee which all delegations may attend.

CHAPTER X – AMENDMENTS

Rule 53

These rules of procedure may be amended by decision of the Conference.

UNITED
NATIONS

TD

United Nations
Conference
on Trade and
Development

Distr.
GENERAL

TD/COCOA.9/3
14 November 2000

Original: ENGLISH

UNITED NATIONS COCOA CONFERENCE, 2000
Geneva, 13-24 November 2000
Agenda item 3

ADOPTION OF THE RULES OF PROCEDURE

Rules of procedure

At its first plenary meeting on 13 November 2000, the Conference adopted as its rules of procedure the provisional rules contained in document TD/COCOA.9/2, prepared by the UNCTAD secretariat with a minor amendment in rule 6 – Officers. The first phrase should read: "The Conference shall elect a President and two Vice-Presidents".

GE.*0000531 07*

ENG

UNITED
NATIONS

TD

United Nations
Conference
on Trade and
Development

Distr.
GENERAL

TD/COCOA.9/4
21 November 2000

Original : ENGLISH

UNITED NATIONS COCOA CONFERENCE, 2000
Geneva, 13 November 2000
Agenda item 5 (b)

REPORT OF THE CREDENTIALS COMMITTEE

1. At its second plenary meeting, held on 16 November 2000, the United Nations Cocoa Conference, 2000, in accordance with rule 4 of its rules of procedure, appointed a Credentials Committee comprising the representatives of Gabon, Germany, Ghana, Japan and the Netherlands.

2. The Committee held a meeting on 20 November 2000 at which it unanimously elected Mr. Masaki Arai (Japan) as Chairman.

3. Credentials have been received from all 35 States participating in the Conference. The Committee found these credentials to be in good and due form and recommends to the Conference that they be approved.

GE.*200053*90*

ENG

UNITED NATIONS

TD

United Nations Conference on Trade and Development

Distr.
GENERAL

TD/COCOA.9/5
28 November 2000

Original: ENGLISH

UNITED NATIONS COCOA CONFERENCE, 2000
Geneva, 13-24 November 2000
Agenda item 8

CONSIDERATION AND ADOPTION OF FINAL RESOLUTIONS

Resolution adopted by the Conference

The United Nations Cocoa Conference, 2000,

Having met in Geneva from 13 to 24 November 2000,

1. Notes the progress made towards a new agreement, as indicated in the annex to this resolution;

2. Reaffirms its desire to continue to negotiate a successor agreement to the International Cocoa Agreement, 1993;

3. Requests the Secretary-General of UNCTAD to make arrangements to reconvene the Conference from 26 February to 2 March 2001, to enable it to complete its work.

5th plenary meeting
24 November 2000

GE. * 2 0 0 0 0 5 3 2 7 4 *

ENG

Annex

STATUS OF ARTICLES OF A DRAFT SUCCESSOR AGREEMENT AS OF 24 NOVEMBER 2000

A. Approved articles as cleared by the Legal Drafting Committee

30 articles in document TD/COCO.9/L.1

PART TWO: CONSTITUTIONAL PROVISIONS

CHAPTER III. MEMBERSHIP

Article 3	Membership in the Organization
Article 4	Membership by intergovernmental organizations

CHAPTER IV. ORGANIZATION AND ADMINISTRATION

Article 5	Establishment, headquarters and structure of the International Cocoa Organization
Article 6	Composition of the International Cocoa Council
Article 8	Chairperson and Vice-Chairperson of the Council
Article 9	Sessions of the Council
Article 10	Votes
Article 11	Voting procedure of the Council
Article 12	Decisions of the Council
Article 13	Cooperation with other organizations
Article 14	Admission of observers
Article 15	Composition of the Executive Committee
Article 16	Election of the Executive Committee
Article 17	Voting procedure and decisions of the Executive Committee
Article 19	Quorum for the Council and the Executive Committee

CHAPTER V. PRIVILEGES AND IMMUNITIES

Article 22 -	Privileges and immunities

PART THREE: FINANCIAL PROVISIONS

CHAPTER VI. FINANCE

Article 23 Finance

Article 24 Liabilities of Members

Article 25 Approval of the administrative budget and assessment of contributions

Article 26 Payment of contributions to the administrative budget

Article 27 Audit and publication of accounts

PART FIVE: MARKET-MONITORING AND RELATED PROVISIONS

CHAPTER X. MARKET-MONITORING PROVISIONS

Article 42 Daily price

Article 44 Conversion factors

CHAPTER XI. INFORMATION, STUDIES AND RESEARCH

Article 46 Studies

Article 48 Annual Report

PART SIX: OTHER PROVISIONS

CHAPTER XIII. RELIEF FROM OBLIGATIONS, AND DIFFERENTIAL AND REMEDIAL MEASURES

Article 52 Differential and remedial measures

CHAPTER XIV. CONSULTATIONS, DISPUTES AND COMPLAINTS

Article 53 Consultations

Article 54 Disputes

Article 55 Complaints and action by the Council

CHAPTER XVI. FINAL PROVISIONS

Article 57 Depositary

6 articles in document TD/COCOA.9/L.2

CHAPTER IV. ORGANIZATION AND ADMINISTRATION

Article 7 Powers and functions of the Council

Article 18 Competence of the Executive Committee

Article 21 Work programme

CHAPTER VIII. SUPPLY AND DEMAND

Article 36 Stocks

PART FIVE: MARKET-MONITORING AND RELATED PROVISIONS

CHAPTER X. MARKET-MONITORING PROVISIONS

Article 43 Market transparency (article to be placed after article 35 as article 35 bis)

CHAPTER XI. INFORMATION, STUDIES AND RESEARCH

Article 47 Scientific research and development

B. Articles approved by the Negotiating Committee and remitted to the Legal Drafting Committee

5 articles in document TD/COCOA.9/CRP.4

CHAPTER VII. THE CONSULTATIVE BOARD ON THE WORLD COCOA ECONOMY *

Article 30 Establishment of the Consultative Board on the World Cocoa Economy

Article 31 Composition of the Consultative Board on the World Cocoa Economy

Article 32 Mandate of the Consultative Board of the World Cocoa Economy

Article 33 Meetings of the Consultative Board on the World Cocoa Economy

CHAPTER VIII. SUPPLY AND DEMAND *

Article 35 Market Committee

2 articles in document TD/COCOA.9/CRP.5

CHAPTER XVII. SUPPLEMENTARY AND TRANSITIONAL PROVISIONS

Article 69 Special Reserve Fund

Article 70 Other supplementary and transitional provisions

---

* Articles 30, 31, 32, 33 and 35 were approved, but their final status will depend on the outcome of the negotiations on chapters VII and VIII.

C. Articles in the Negotiating Committee

1. Article 1 – Objectives (Working Paper No. 8/Rev.1) (paragraph 1 (d) (iv) pending)
2. Article 2 – Definitions (paragraphs 16 and 17 deleted) – paragraph 21 pending
3. Article 20 – The staff of the Organization (paragraph 1 pending)
4. Article 28 – Relationship with the Common Fund and other multilateral and bilateral donors
5. Article 29 – [....] title
6. Part Four: [....] No title
7. Article 37 – promotion (Working Paper No. 11/Rev.1)
8. Article 38 – Cocoa substitutes
9. Article 39 – Sustainable cocoa economy (with article 2 definitions, paragraph 21, Working Paper No. 10/Rev.1) + consumers' proposal (dated 24 November 2000, 12 noon)
10. Article 40 – Activities in support of a sustainable cocoa economy
11. Article 41 – (deleted)
12. Article 45 – Information
13. Article 49 – Cooperation within the cocoa economy
14. Article 50 – Fine or flavour cocoa
15. Article 51 – Relief from obligations in exceptional circumstances
16. Article 56 – Fair labour standards
17. Article 58 – Signature
18. Article 59 – Ratification, acceptance, approval
19. Article 60 – Accession
20. Article 61 – Notification of provisional application
21. Article 62 – Entry into force (paragraph 3, delete the sentence "However ..... into force.")
22. Article 63 – Reservations
23. Article 64 – Withdrawal
24. Article 65 – Exclusion
25. Article 66 – Settlement of accounts with withdrawing or excluded Members
26. Article 67 – Duration, extension and termination
27. Article 68 – Amendments

Working Paper No. 12 + TD/COCOA.9/CRP.1

N.B. There is no article 34.